

# UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America	)	
v.	)	
Leewanicki V. Heasty	)	Case No: <u>3:01CR31-6</u>
Date of Previous Judgment: <u>12/10/01</u>	)	USM No: <u>16563-058</u>
(Use Date of Last Amended Judgment if Applicable)	)	<u>Haakon Thorsen</u>
	)	Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____	Amended Offense Level: _____
Criminal History Category: _____	Criminal History Category: _____
Previous Guideline Range: _____ to _____ months	Amended Guideline Range: _____ to _____ months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain): \_\_\_\_\_

### III. ADDITIONAL COMMENTS

Amendment 706 has no effect on the defendant's sentence due to the defendant's career offender status and the guideline range for imprisonment of life that applied (prior to any departure) both before and after passage of the amendment. It is noted that the defendant's attorney has withdrawn the motion for sentence reduction so it can be re-filed at a later date,

Except as provided above, all provisions of the judgment dated 12/10/01 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: June 17, 2009

Effective Date: \_\_\_\_\_  
(if different from order date)

  
Frank D. Whitney  
United States District Judge

